

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

JAYAKUMAR VICKEASH

Respondent

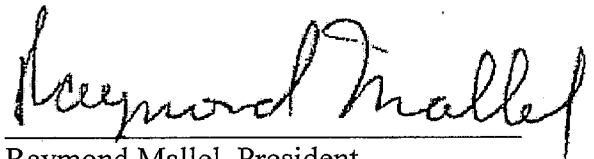
Case No. 2012-697

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary order for Public Reprimand is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **January 15, 2013**.

IT IS SO ORDERED **December 15, 2012**.



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
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Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues
13 Against:

14 **JAYAKUMAR VICKEASH**

15 **Applicant for a Registered Nurse License**

16 Respondent.

Case No. 2012-697

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL**

[Bus. & Prof. Code § 495]

17 In the interest of a prompt and speedy settlement of this matter, consistent with the public
18 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer
19 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order for
20 Public Reproval which will be submitted to the Board for approval and adoption as the final
21 disposition of the Statement of Issues.

PARTIES

22 1. LOUISE R. BAILEY, M.ED., RN ("Complainant") is the Executive Officer of the
23 Board of Registered Nursing. She brought this action solely in her official capacity and is
24 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
25 Randy M. Mailman, Deputy Attorney General.

26 2. Jayakumar Vickeash ("Respondent") is representing himself in this proceeding and
27 has chosen not to exercise his right to be represented by counsel.
28

3. On or about December 19, 2010, Jayakumar Vickeash submitted to the Board of Registered Nursing his application for a registered nurse license. On or about October 5, 2011, the Board denied Respondent's application for licensure. Respondent timely requested a hearing in the matter.

JURISDICTION

4. Statement of Issues No. 2012-697 was filed before the Board of Registered Nursing (“Board”), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on June 12, 2012. Respondent timely filed his request for a hearing contesting the Statement of Issues. A copy of Statement of Issues No. 2012-697 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Statement of Issues No. 2012-697. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reprimand.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. 2012-697.

1 9. Respondent agrees that his application for a registered nurse license is subject to
2 denial and he agrees to be bound by the terms as set forth in the Disciplinary Order below.

3 CONTINGENCY

4 10. This stipulation shall be subject to approval by the Board of Registered Nursing.
5 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
6 Registered Nursing may communicate directly with the Board regarding this stipulation and
7 settlement, without notice to or participation by Respondent. By signing the stipulation,
8 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the
9 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
10 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public
11 Reproval shall be of no force or effect, except for this paragraph, it shall be inadmissible in any
12 legal action between the parties, and the Board shall not be disqualified from further action by
13 having considered this matter.

14 11. The parties understand and agree that facsimile copies of this Stipulated Settlement
15 and Disciplinary Order for Public Reproval, including facsimile signatures thereto, shall have the
16 same force and effect as the originals.

17 12. This Stipulated Settlement and Disciplinary Order for Public Reproval is intended by
18 the parties to be an integrated writing representing the complete, final, and exclusive embodiment
19 of their agreement. It supersedes any and all prior or contemporaneous agreements,
20 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated
21 Settlement and Disciplinary Order for Public Reproval may not be altered, amended, modified,
22 supplemented, or otherwise changed except by a writing executed by an authorized representative
23 of each of the parties.

24 13. In consideration of the foregoing admissions and stipulations, the parties agree that
25 the Board may, without further notice or formal proceeding, issue and enter the following
26 Disciplinary Order:

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1 **DISCIPLINARY ORDER**

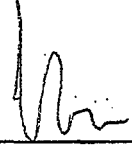
2 IT IS HEREBY ORDERED that upon satisfaction of all statutory and regulatory
3 requirements for issuance of registered nurse license, a registered nurse license shall be issued to
4 Jayakumar Vickeash.

5 IT IS FURTHER ORDERED that said license shall, by way of letter from the Board's
6 Executive Officer, be publicly reprovved. The letter shall be in the same form as the letter attached
7 as Exhibit B to this stipulation.

8 **ACCEPTANCE**

9 I have carefully read the Stipulated Settlement and Disciplinary Order for Public Reapproval.
10 I understand the stipulation and the effect it will have on my application for a registered nurse
11 license. I enter into this Stipulated Settlement and Disciplinary Order for Public Reapproval
12 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
13 Board of Registered Nursing.

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15 DATED: 9/13/12



JAYAKUMAR VICKEASH
Respondent

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Dated: September 27, 2012

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General

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Exhibit A

Statement of Issues No. 2012-697

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 RANDY M. MAILMAN
Deputy Attorney General
4 State Bar No. 246134
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5 Los Angeles, CA 90013
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues
11 Against:

Case No. 2012-697

12 **JAYAKUMAR VICKEASH**

STATEMENT OF ISSUES

13 **Applicant for a Registered Nurse License**

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely
19 in her official capacity as the Interim Executive Officer of the Board of Registered Nursing,
20 Department of Consumer Affairs.

21 2. On or about December 23, 2010, the Board of Registered Nursing, Department of
22 Consumer Affairs ("Board") received an application for a Registered Nurse License from
23 Jayakumar Vickesh ("Respondent"). On or about December 19, 2010, Jayakumar Vickesh
24 certified under penalty of perjury to the truthfulness of all statements, answers, and
25 representations in the application. The Board denied the application on October 5, 2011.

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1 (c) Theft, dishonesty, fraud, or deceit.

2 (d) Any conviction or act subject to an order of registration pursuant to Section 290 of the
3 Penal Code."

4 **FIRST CAUSE FOR DENIAL**

5 **(Conviction of Substantially Related Crimes)**

6 9. Respondent's application for licensure is subject to denial under Code section 480,
7 subdivision (a)(1), in conjunction with Code sections 480, subdivision (a)(3) and 2761,
8 subdivision (f), as defined by California Code of Regulations title 16, section 1444, in that
9 Respondent was convicted of a crime substantially related to the qualifications, duties, and
10 functions of a licensed Registered Nurse, as follows:

11 10. On or about November 12, 2008, in the criminal matter entitled *People v. Jayakumar*
12 *Vickeash* (Super. Ct. San Bernardino County, 2008, Case No. TSB802718), Respondent was
13 convicted of driving while under the influence of alcohol and/or drugs, in violation of California
14 Vehicle Code 23152, subdivision (a), a misdemeanor. The Court placed Respondent on probation
15 for three years, ordered Respondent to complete an alcohol education course, and ordered
16 Respondent to serve two days in jail. The basis for the conviction is that on or about June 30,
17 2008, deputies with the San Bernardino Sheriff's Department conducted a traffic enforcement
18 stop of Respondent after he cut in front of deputies and appeared to be having difficulty driving
19 his vehicle because the engine was revving, but the car was not moving. Deputies conducted a
20 series of field sobriety tests and determined that Respondent was intoxicated to the extent that he
21 could not safely operate a motor vehicle. A blood alcohol test revealed that Respondent's blood
22 alcohol concentration at the time of driving was .26%. On or about March 1, 2011, the conviction
23 was dismissed pursuant to California Penal Code section 1203.4.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Dangerous Use of Alcohol)**

26 11. Respondent's application for licensure is subject to denial under Code section 480,
27 subdivision (a)(3), in conjunction with Code section 2761, subdivision (a) for unprofessional
28 conduct, as defined by 2762, subdivision (b), in that Respondent used alcoholic beverages in a

1 manner dangerous to himself and the public when he operated a vehicle while under the influence
2 of alcohol.

3 12. Complainant refers to and by this reference incorporates the allegations set forth in
4 paragraph 10, inclusive, above, as though set forth fully.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Conviction Involving the Consumption of Alcohol)**

7 13. Respondent's application for licensure is subject to denial under Code section 480,
8 subdivision (a)(3), in conjunction with Code section 2761, subdivision (a) for unprofessional
9 conduct , as defined by 2762, subdivision (c), in that Respondent was convicted of crimes
10 involving the consumption of alcohol.

11 14. Complainant refers to and by this reference incorporates the allegations set forth in
12 paragraph 10, inclusive, above, as though set forth fully.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Confined by Court for Intemperate Use of Alcohol)**

15 15. Respondent's application for licensure is subject to denial under Code section 480,
16 subdivision (a)(3), in conjunction with Code section 2761, subdivision (a) for unprofessional
17 conduct , as defined by 2762, subdivision (d), in that Respondent was confined by a court of
18 competent jurisdiction for intemperate use of alcohol.

19 16. Complainant refers to and by this reference incorporates the allegations set forth in
20 paragraph 10, inclusive, above, as though set forth fully.


21 ///

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Jayakumar Vickeash for a Registered Nurse License;
2. Taking such other and further action as deemed necessary and proper.

DATED: May 14, 2012

for 
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Exhibit B

Letter of Public Reproval in Case No. 2012-697

Board of Registered Nursing
P O Box 944210, Sacramento, CA 94244-2100
P (916) 322-3350 | www.rn.ca.gov
Louise R. Bailey, M.ED., RN, Executive Officer



December 15, 2012

Jayakumar Vikeash
531 3rd Street
Redlands, CA 92374

RE: LETTER OF PUBLIC REPROVAL
In the Matter of the Statement of Issues Against:
Jayakumar Vikeash, Applicant for Registered Nurse License

Dear Mr. Vikeash:

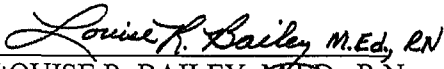
On May 14, 2012, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed a Statement of Issues denying your application for a registered nurse license. The Statement of Issues alleges that your application for licensure is subject to denial on four grounds: conviction of a substantially related crime, a violation of Business and Professions Code ("Code") sections 480, subdivision (a)(1), 480, subdivision (a)(3), 2761, subdivision (f), and California code of Regulations title 16, section 1444; that you used alcohol in a dangerous manner, a violation of Code section 480, subdivision (a)(3), in conjunction with Code section 2761, subdivision (a) for unprofessional conduct, as defined by 2762, subdivision (b); that you were convicted of an offense involving the consumption of alcohol, a violation of Code section 480, subdivision (a)(3), in conjunction with Code section 2761, subdivision (a) for unprofessional conduct, as defined by 2762, subdivision (c); and that you were confined by court for the intemperate use of alcohol, a violation of Code section 2761, subdivision (a) for unprofessional conduct, as defined by 2762, subdivision (d).

The basis for the violation is that on November 12, 2008, in the criminal matter entitled *People v. Jayakumar Vikeash* (Super. Ct. San Bernardino County, 2008, Case No. TSB802718), you were convicted of driving while under the influence of alcohol and/or drugs, in violation of California Vehicle Code section 23152, subdivision (a), a misdemeanor. The Court placed you on probation for three years, ordered you to complete an alcohol education course, and ordered you to serve two days in jail. The basis for the conviction is that on June 30, 2008, deputies with the San Bernardino Sheriff's Department conducted a traffic enforcement stop on you after you cut in front of deputies and appeared to be having difficulty driving your vehicle because your car's engine was revving, but the car was not moving. Deputies conducted a series of field sobriety tests and determined that you were intoxicated to the extent that you could not safely operate a motor vehicle. A blood alcohol test revealed that your blood alcohol concentration at the time of driving was .26%.

Taking into consideration that you come highly recommended from the San Bernardino Valley College, that you successfully completed the Jackson-Bibby Awareness Group alcohol education program, that the court dismissed your criminal conviction pursuant to Penal Code section 1203.4, that you volunteer your time as a Certified Nurse Assistant at Arrowhead Regional Medical Center, and that there are other mitigating circumstances in this case that support the determination that you are safe to practice registered nursing, the Board has decided the charges warrant a public reproof.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of Consumer Affairs issues this letter of public reproof.

Sincerely,


LOUISE R. BAILEY, M.Ed., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California